

MONTANA LEGISLATIVE HISTORY

Chapter 22 1985

Bill H 77 S _____ Original bill & history C

H. Committee on Local Government

S. Committee on Local Government

Hearing Date(s) Jan 08 ☒ C

Hearing Date(s) Jan 24 ☒ C

_____ C

Feb 05 ☒ C

_____ C

_____ C

_____ C

_____ C

Date Out Jan 08 ☒ C

Feb 05 ☒ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

HOUSE FINAL STATUS

TRANSMITTED TO SENATE
 3/05 REFERRED TO LOCAL GOVERNMENT
 3/14 HEARING
 3/15 ADVERSE COMMITTEE REPORT 44 4
 3/15 BILL KILLED

INTRODUCED BY M. WILLIAMS
 CHANGING FEE FOR FILING NOTARIAL COMMISSION WITH
 COUNTY CLERK

1/07 INTRODUCED
 1/07 REFERRED TO LOCAL GOVERNMENT
 1/08 HEARING
 1/09 COMMITTEE REPORT-BILL DO PASS
 1/12 2ND READING PASS AS AMENDED 93 0
 1/14 3RD READING PASS 94 3

TRANSMITTED TO SENATE
 1/15 REFERRED TO LOCAL GOVERNMENT
 1/24 HEARING
 1/25 COMMITTEE REPORT-BILL CONCURRED
 1/26 2ND READING CONCURRED 46 0
 1/29 3RD READING CONCURRED 47 1

RETURNED TO HOUSE
 2/02 SIGNED BY SPEAKER
 2/02 SIGNED BY PRESIDENT

2/04 TRANSMITTED TO GOVERNOR
 2/06 SIGNED BY GOVERNOR
 CHAPTER NUMBER 14 EFFECTIVE DATE: 7/01/85

77 INTRODUCED BY M. WILLIAMS
 REVISING FEES CHARGED BY THE COUNTY CLERK

1/07 INTRODUCED
 1/07 REFERRED TO LOCAL GOVERNMENT
 1/08 HEARING
 1/09 COMMITTEE REPORT-BILL DO PASS
 1/12 2ND READING PASS AS AMENDED 66 24
 1/14 3RD READING PASS 81 15

TRANSMITTED TO SENATE
 1/15 REFERRED TO LOCAL GOVERNMENT
 1/24 HEARING
 2/06 COMMITTEE REPORT-BILL CONCURRED
 2/07 2ND READING CONCURRED 47 3
 2/09 3RD READING CONCURRED 44 5

RETURNED TO HOUSE
 2/13 SIGNED BY SPEAKER
 2/14 SIGNED BY PRESIDENT

2/14 TRANSMITTED TO GOVERNOR
 2/15 SIGNED BY GOVERNOR
 CHAPTER NUMBER 27 EFFECTIVE DATE: 7/01/85

78 INTRODUCED BY M. WILLIAMS
 AUTHORIZING USE OF STAMP AS OFFICIAL SEAL

letters across town. He felt fees should be brought up to standard.

Sue Bartlett, representing the Montana Association of Clerks and Recorders from Lewis and Clark County, wished to indicate her support of House Bill No. 76.

Mike Stephen of the Montana Association of Clerks and Recorders of Lewis and Clark County, stated he feels we are asking a modest increase in providing a service and should be standard.

There were no opponents to House Bill No. 76.

In closing, Representative Williams stated that it is important that we update some of these fees and make them consistent throughout the state. Fees are needed to support the office of the clerk and recorder.

QUESTIONS: Representative Kadas: Is this a fee for notarizing a document?

ANSWER: Joe Tropila: No, for recording the Notarie's Commission and, when asked, to make certified copies of the commission.

HOUSE BILL NO. 77: Representative Mel Williams, District 85, presented this bill. He stated that it is recommended by the Montana Association of Clerks and Recorders to increase the fee for recording from \$2.50 to \$5.00 per page, and deleting the 50 cent per name indexing fee. This is the only increase since 1959.

PROPONENTS: Joe Tropila, Cascade County Clerk and Recorder's office, representing Yellowstone County Clerk and Recorder. He feels there is a problem with the fee structure now of \$2.50 per page, plus 50 cents for each index entry. By charging a \$5.00 standard fee by page it will prevent delay in recording documents, and also prevent erroneous fees when documents come in.

Sue Bartlett, representing the Lewis and Clark Clerk and Recorder's office stated that fees taken in for recording are the single largest source of general fund non-tax revenue. She doesn't feel that a recording fee of \$5.00 from \$2.50 is unreasonable. She passed out Exhibit 2, showing fees charged by Lewis and Clark County Clerk and Recorder.

Mike Stephen, Montana Association of Clerks and Recorders, stated these records are essential to people and are set aside for prosperity, and are worth a lot to buyers of property. Money paid into Clerk and Recorders goes into the county general fund and is used to offset the budget for the following year. The Clerk and Recorder's office does not get it.

Bill Gowen, President of Montana Land and Title Association, supports increase in page charge if they get rid of the 50 cent charge. Each county uses a different interpretation of the 50 cent charge.

There were no opponents to House Bill No. 77.

In closing, Representative Williams stated that Merrill Kelundt, Clerk and Recorder of Yellowstone County, wanted to be on record as supporting House Bill No. 77.

QUESTION: Representative Sales asked Representative Williams the difference between filing and recording. Joe Tropila answered by saying filing records are placed in the vault, and given to Recorder's office; recording is a copy of the instrument on microfilm, and instrument is given back.

QUESTION: Representative Sands asked how much additional revenue will be generated. Tropila answered: Not much with the 50 cent deletion.

ACTION ON HOUSE BILL NO. 8: Representative Sales made a motion that HB 8 DO PASS. The motion was PASSED UNANIMOUSLY.

ACTION ON HOUSE BILL NO. 76: Representative Kadas made a motion that HB 76 DO PASS. The motion was seconded by Representative Wallin. The motion was PASSED UNANIMOUSLY.

ACTION ON HOUSE BILL NO. 77: Representative Hansen made a motion that HB 77 DO PASS. Representative Fritz seconded the motion. The motion was PASSED UNANIMOUSLY.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 4:30 p.m.



PAULA DARKO, Chairman

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STANDING COMMITTEE REPORT

January 3, 1905

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 77

FIRST reading copy (WHITE color)

REVISING FEES CHARGED BY THE COUNTY CLERK

Respectfully report as follows: That HOUSE Bill No. 77

DO PASS

201/19/05

STATE PUB. CO.
Helena, Mont.

REPRESENTATIVE BARKO Chairman,

COMMITTEE SECRETARY

HOUSE Local Government COMMITTEE

BILL HB 77

DATE 1-8-85

SPONSOR Rep. M. Williams

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

January 24, 1985

PROPONENTS

Sue Bartlett, Lewis and Clark County Clerk and Recorder, spoke in favor of the bill. She stated the bill would increase the current fee for filing a notarial commission with the clerk and recorder's office from fifty cents to two dollars. This would make it uniform with the Secretary of State's fees for certifying to the character of notaries. She feels this is a housekeeping bill and would give the county an additional ten dollars a year in revenue.

Mike Stephen, representing the Montana Clerk and Recorders' Association, spoke in favor of the bill. He stated that there would be a limited amount of revenue collected from this bill, and it would be more of an illustration of what it costs to do business these days.

OPPONENTS

There were no opponents to House Bill 76.

Questions from the Committee were called for.

There were no questions from the Committee on HB 76.

CONSIDERATION OF HOUSE BILL 77: Representative Mel Williams, District #85, is the sponsor of this bill. The bill was introduced to revise recording fees charged by the county clerk.

PROPONENTS

Joanne Peres, President of the Montana Association of Clerk and Recorders, spoke in favor of the bill. She explained the difference between filing and recording and explained the various types of machinery used in the recording process. She said she has received many complaints from realtors and abstractors on the fifty cent charge due to the confusion it causes.

Bill Gowen, President of the Montana Land Title Association, and representing the Helena Abstract and Title Company, spoke in favor of the bill. He feels the fifty cent charge per name causes problems and confusion.

Sue Bartlett, Lewis and Clark County Clerk and Recorder, spoke in favor of the bill. She stated that it is not unusual to have to send documents back because the calculation of the amount due is fifty cents off. The postage eats up the fifty cent fee easily and causes a four day delay in processing documents. Ms. Bartlett submitted a list of current fees charged by her office. The list is attached as Exhibit E to these minutes.

January 24, 1985

Mike Stephen, representing the Montana Clerk and Recorders' Association, spoke in favor of the bill. He stated there would be no change at all in the services to be provided other than the cost of doing business.

OPPONENTS

There were no opponents to House Bill 77.

Questions from the Committee were called for.

There were no questions from the Committee on HB 77.

ACTION TAKEN ON HOUSE BILL 76: Senator McCallum moved that HB 76 be concurred in. The motion passed unanimously. Senator Harding will be asked to carry HB 76.

The meeting adjourned at 2:50 p.m.



Senator Dave Fuller, Chairman

LOCAL GOVERNMENT

COMMITTEE

49th
~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 01-24-85DATE
AT

NAME	PRESENT	ABSENT	EXCUSED
3 Senator Crippen, Bruce	/		
18 Senator Eck, Dorothy	/		
11 Senator Harding, Ethel	/		
47 Senator Hirsch, Les	/		
4 Senator McCallum, George	/		
28 Senator Mohar, John (V.Chair)		/	
4 Senator Pinsoneault, Dick	/		
19 Senator Regan, Pat	/		
21 Senator Story, Pete			<i>excused</i>
43 Senator Fuller, Dave (Chair)	/		

Each day attach to minutes.

124-35

COMMITTEE ON

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

February 5, 1985

Senator Pinsoneault said some people had concerns as to whether failure to attend classes, resulting in forfeiture of office, was unconstitutional or inappropriate. Mr. Gravely said Justices of the Peace are required to attend classes or they forfeit their offices and the same is true with attorneys.

Senator Eck asked Mr. Rivers if the courses would provide additional valuable information. Mr. Rivers said sixteen hours of classes would be offered every two years that would provide new and exciting issues in the field of forensic sciences.

Senator Hirsch expressed his concern that this bill would make it even harder to find coroners for counties where it is already difficult. Mr. Nelson said he did not think it would be a burden to have a coroner come from another county in rural areas rather than have someone not trained doing the job.

Senator Harding asked if both county coroners and deputy county coroners would be required to attend classes. Mr. Gravely said yes.

Senator Regan asked if courses would only be offered in Missoula. Mr. Rivers said the courses would be offered anywhere the Montana Coroners' Association desired.

Senators Regan and Eck expressed their concerns about travel costs and tuition costs. Mr. Rivers said some travel costs are already budgeted out of other funds and tuition will not be paid for by the State but by county budgets.

The hearing was closed on SB 177.

FURTHER CONSIDERATION OF SENATE BILL 140: Karen Renne explained the proposed amendment, which would make the amount five hundred thousand dollars for class one and two counties and three hundred fifty thousand dollars for all other counties. The proposed amendment is attached as Exhibit C to these minutes.

ACTION TAKEN ON SENATE BILL 140: Senator McCallum moved the amendments to the bill be adopted. The motion passed unanimously.

Senator McCallum then moved the Committee recommend a DO PASS as amended on SB 140. The motion passed with Senator Story voting no.

ACTION TAKEN ON HOUSE BILL 77: Senator Harding moved that HB 77 be concurred in. The motion passed with Senators Story and McCallum voting no. Senator Harding will be asked to carry the bill.

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

49th
~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 2-5-85

NAME	PRESENT	ABSENT	EXCUSED
13 Senator Crippen, Bruce	late ✓		
18 Senator Eck, Dorothy	✓		
11 Senator Harding, Ethel	✓		
47 Senator Hirsch, Les	✓		
4 Senator McCallum, George	✓		
28 Senator Mohar, John (V.Chair)	✓		
44 Senator Pinsoneault, Dick	✓		
19 Senator Regan, Pat	late ✓		
21 Senator Story, Pete	✓		
43 Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

February 5

85

..... 19.....

MR. PRESIDENT

We, your committee on..... **LOCAL GOVERNMENT**

having had under consideration..... **HOUSE BILL** No. **77**

THIRD reading copy (**BLUE**)
(**HARDING WILL CARRY**) color

REVISING FEES CHARGED BY THE COUNTY CLERK

Respectfully report as follows: That..... **HOUSE BILL** No. **77**

BE CONCURRED IN

~~XXXXXX~~
~~DO PASS~~

~~XXXXXXXXXX~~
~~DO NOT PASS~~

.....
Senator Dave Fuller

Chairman.